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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**

6 TAMMY MICHELLE FRANCHIA,  
7 Plaintiff(s),  
8 v.  
9 COMMISSIONER OF SOCIAL SECURITY,  
10 Defendant(s).  
11

Case No.: 2:20-cv-01244-NJK

**ORDER**

(Docket No. 1)

12 Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*,  
13 Docket No. 1, and has submitted a complaint, Docket No. 1-1.

14 **I. *In Forma Pauperis* Application**

15 Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 1. The application  
16 has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly,  
17 the request to proceed *in forma pauperis* will be granted pursuant to § 1915(a). The Court will  
18 now review Plaintiff's complaint.

19 **II. Screening the Complaint**

20 When a party seeks permission to pursue a civil case *in forma papueris*, courts will screen  
21 the complaint pursuant to federal statute. *See* 28 U.S.C. § 1915(e). For social security appeals,  
22 judges in this District have outlined some of the basic requirements for complaints to satisfy the  
23 Court's screening. First, the plaintiff must establish that administrative remedies were exhausted  
24 pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within sixty days after  
25 notice of a final decision. Second, the complaint must indicate the judicial district in which the  
26 plaintiff resides. Third, the complaint must state the nature of the plaintiff's disability and when  
27 the plaintiff claims to have become disabled. Fourth, the complaint must contain a plain, short,  
28 and concise statement identifying the nature of the plaintiff's disagreement with the determination

1 made by the Social Security Administration and show that the plaintiff is entitled to relief. *See*,  
2 *e.g.*, *Graves v. Colvin*, 2015 WL 357121, \*2 (D. Nev. Jan. 26, 2015) (collecting cases).

3 The Court finds that Plaintiff does not plead all of these elements. She properly pleads the  
4 first, second, and fourth elements. However, she does not plead when she claims to have become  
5 disabled; her complaint provides only that, due to her impairments, she applied for Disability  
6 Insurance Benefits and Supplemental Security Income on August 17, 2016. Docket No. 1-1 at 2.  
7 Thus, Plaintiff's complaint does not satisfy the Court's screening.

8 **III. Conclusion**

9 Accordingly, the Court hereby **ORDERS** as follows:

- 10 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the  
11 fees shall be paid if recovery is made. Docket No. 1. At this time, Plaintiff shall not  
12 be required to prepay the filing fee.
- 13 2. Plaintiff may maintain this action to conclusion without the need for prepayment of any  
14 additional fees or costs or the giving of a security therefor. The Order granting leave  
15 to proceed *in forma pauperis* shall not extend to the issuance of subpoenas at  
16 government expense.
- 17 3. The complaint is **DISMISSED** with leave to amend. Docket No. 1-1. Plaintiff will  
18 have until July 21, 2020, to file an amended complaint, if she believes that the noted  
19 deficiency can be corrected.

20 IT IS SO ORDERED.

21 Dated: July 7, 2020

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24 Nancy J. Koppe  
25 United States Magistrate Judge  
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